



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

DATE: August 6, 2009
TO: Murry Wilson, Department of Planning and Building
FROM: Michael Isensee, Agriculture Department *MI*
RE: Grading Ordinance EIR NOP

The Agriculture Department is pleased to provide the following input into the development of an environmental impact report for the proposed grading and stormwater management revisions to the inland and coastal land use ordinance. Soil and water resources are critical components of an agricultural system. Maintaining and avoiding soil erosion is paramount to protecting both of these resources. Unnecessary compaction, land reconfiguration, and changes to drainage patterns may result in a loss of valuable topsoil, contamination of water supplies, and reduced groundwater recharge. Well-intentioned grading, when conducted improperly can result in fundamental changes to existing drainage patterns, loss of valuable soil resources, and both expensive and time-consuming remediation.

Many agricultural activities are based upon the disturbance of soil. Roads are necessary to service agricultural fields and provide access to rangeland, both to conduct necessary agricultural practices and to move products to market. Agricultural practices involving the production of agricultural commodities result in soil modification and disturbance.

The proposed grading ordinance works to balance the needs of farmers and ranchers to access fields, move products to market, and cultivate the land with the necessity of protecting and enhancing the County's valuable agriculturally capable soils and essential water supplies. The Department recommends that the agricultural resource section of the EIR focus on these two conflicting issues, specifically, whether the proposed ordinance revisions will unnecessarily:

- 1) allow for the misapplication of agricultural exemptions for nonagricultural grading activities
- 2) limit the ability of farmers and ranchers to conduct necessary grading with the minimum of delay or unnecessary regulatory burdens and/or costs.

Misuse of agricultural exemptions can result in erosion and sedimentation impacts, either of which can adversely impact agriculturally important soils and limited water resources. Misuse can also result in a loss of political and agency support for these important exemptions. Simultaneously, unclear or ambiguous ordinance language, unnecessary regulation and paperwork, or delays associated with the government review of proposed earthmoving activities, can impinge upon and delay agricultural activities and result in additional costs to agriculturalists.

The Department believes the current draft is seeking the proper balance with clearer less ambiguous ordinance language, stricter penalties, and clear exemptions and alternative procedures which seek to

ensure agriculture has a expedient process to ensure the avoidance and minimization of erosion and sedimentation and the resulting adverse impacts to the county's soil and water resources. Specific comments on the draft ordinance language will be forthcoming.

These comments and recommendations are based on policies in the San Luis Obispo County Agriculture and Open Space Element and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. If I can be of further assistance in considering alternatives to the proposed ordinance or ordinance language options, please contact me at 781-5753.